

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SAMUEL A. BURNETTE,

Plaintiff,

Case No. 24-cv-469-pp

v.

EXPERIAN INFORMATION SOLUTIONS, INC., *et al.*,

Defendants.

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR PLAINTIFF'S
FAILURE TO PAY INTITAL PARTIAL FILING FEE AND FAILURE TO
COMPLY WITH COURT ORDER AND DENYING AS MOOT PLAINTIFF'S
MOTION FOR INFORMAL SERVICE AGREEMENT (DKT. NO. 7)**

On April 23, 2024, Magistrate Judge William E. Duffin (to whom this case previously was assigned) ordered that by the end of the day on May 23, 2024, plaintiff Samuel A. Burnette either must pay an initial partial filing fee of \$18.63 or explain why he could not do so. Dkt. No. 5. Judge Duffin advised the plaintiff, "If the court does not receive the initial partial filing fee by the deadline, the court will deny [the plaintiff's] motion to proceed without prepayment of the filing fee and will dismiss this action based on [the plaintiff's] failure to pay the filing fee." Id. at 3.

The May 23, 2024 deadline has passed, and the plaintiff has neither paid the initial partial filing fee nor explained why he cannot do so. On May 7, 2024, the court received the plaintiff's "Motion for Informal Service Agreement." Dkt. No. 7. The motion explains that the plaintiff is indigent, does not have access to PACER (Public Access to Court Electronic Records) and may not use the e-filing

system. Id. at 1. He asks the court to waive service and give him an alternate resource for filing papers, even though “he has accumulated enough stamped envelopes to mail correspondence and legal mail.” Id. The motion says nothing about the initial partial filing fee and does not request additional time to pay it.

The court’s staff sent Judge Duffin’s order to the plaintiff at Jackson Correctional Institution. The Wisconsin Department of Corrections’ offender search website shows that the plaintiff still is incarcerated there. Judge Duffin’s order was not returned to the court, so the court has no reason to believe the plaintiff did not receive that order. The court will enforce the April 23, 2024 order and will dismiss this case without prejudice for the plaintiff’s failure to pay the initial partial filing fee. He remains obligated to pay the entire \$350 filing fee. The court will deny the plaintiff’s motion for an informal service agreement as moot. Dkt. No. 7.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff’s failure to pay the initial partial filing fee and failure to comply with the court’s order. The clerk will enter judgment accordingly.

The court **ORDERS** that the plaintiff’s motion for an informal service agreement is **DENIED AS MOOT**. Dkt. No. 7.


The court **ORDERS** that in accordance with 28 U.S.C. §1915(b)(1), the plaintiff is required to pay the mandatory **\$350** statutory filing fee. The court **ORDERS** that the agency that has custody of the plaintiff must collect the \$350 filing fee from the plaintiff’s institution trust account by collecting monthly payments from the account in an amount equal to 20% of the

preceding month's income credited to the plaintiff's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The agency must clearly identify the payments by the case name and number. If the plaintiff transfers to another county, state or federal institution, the transferring institution must forward a copy of this order, along with the plaintiff's remaining balance, to the receiving institution.

The court will send a copy of this order to the Warden at Jackson Correctional Institution, where the plaintiff is confined.

Dated in Milwaukee, Wisconsin this 12th day of June, 2024.

BY THE COURT:


HON. PAMELA PEPPER
Chief United States District Judge